

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE WESTERN DISTRICT OF ARKANSAS

3 CRAIG SHIPP,

4
5 Plaintiff,

6 vs.

No. 4:18-CV-04017-SOH

7 CORRECT CARE SOLUTIONS, LLC;
8 DR. LORENE LOMAX; DR. MIMO
9 LEMDJA, et al.

10 Defendants.

11 DEPOSITION OF SHAWN SMITH, M.D.
12 TAKEN ON BEHALF OF THE DEFENDANTS
13 ON JUNE 13, 2019 AT 1:30 P.M.
14 IN OKLAHOMA CITY, OKLAHOMA

15 APPEARANCES

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(Appearances continued on the following page)

REPORTED BY: Abby Rhodes, CSR, RPR

<p style="text-align: right;">Page 22</p> <p>1 recognized that by around week three or so he did</p> <p>2 get --</p> <p>3 Q Okay.</p> <p>4 A -- some form of orthotic.</p> <p>5 Q Right.</p> <p>6 A It was just a little confusing because down</p> <p>7 in other records when he was at the other medical unit</p> <p>8 it said he hadn't gotten them yet, so...</p> <p>9 Q Okay. All right.</p> <p>10 If you skip down a few sentences, you state</p> <p>11 "The pressure ulcers on the right foot that developed</p> <p>12 due to lack of appropriate support and protection with</p> <p>13 prescription orthotics and shoe wear never healed and</p> <p>14 was the proximate cause for his subsequent</p> <p>15 below-the-knee amputation on July 31, 2017."</p> <p>16 Is that correct?</p> <p>17 A Yes.</p> <p>18 Q Okay.</p> <p>19 A That's what it says.</p> <p>20 Q Do you consider other outside factors that</p> <p>21 may have contributed to his ulcer not healing when you</p> <p>22 made that opinion?</p> <p>23 A Do you mean were there other things that</p> <p>24 affected his inability to heal?</p> <p>25 Q Yes, sir.</p>	<p style="text-align: right;">Page 24</p> <p>1 offload his foot completely." That's March 10.</p> <p>2 A So is there something in here saying he</p> <p>3 didn't do that?</p> <p>4 Q Yes, sir. Oh, man. I think this is when</p> <p>5 the photo copier had a problem.</p> <p>6 A Okay. I'm confused. What's the question</p> <p>7 about this?</p> <p>8 Q I wanted to know if you read the numerous</p> <p>9 references by nursing staff that the resident was</p> <p>10 walking into the infirmary without his wheelchair from</p> <p>11 the 11th, the 12th, the 13th, the 14th, the 15th, the</p> <p>12 16th, March 22.</p> <p>13 A Does that say that on here? Because I'm...</p> <p>14 Q No, sir, that's the first record.</p> <p>15 A Yeah, well, that's what why I was asking</p> <p>16 what you were having me look at this for.</p> <p>17 Q That he was instructed to stay in the</p> <p>18 wheelchair.</p> <p>19 A I did see this, this specific page where it</p> <p>20 said "wheelchair for now to offload his foot</p> <p>21 completely," yes, I did see that.</p> <p>22 Q And we may have to go off the record. I</p> <p>23 gave Staples things to photocopy and I'm missing</p> <p>24 several pages. Okay. Well, here's one.</p> <p>25 A Okay. I do see the document in here that he</p>
<p style="text-align: right;">Page 23</p> <p>1 A Yes.</p> <p>2 Q Okay. Can you tell me what those are.</p> <p>3 A Diabetes, charcot foot, and just the</p> <p>4 severity of the wound as it developed.</p> <p>5 Q Okay. Now, that's a year and a half of</p> <p>6 time.</p> <p>7 Do you know how the patient handled his foot</p> <p>8 care or his diabetic condition during that year and a</p> <p>9 half?</p> <p>10 A Well, I know what was documented in the</p> <p>11 records I reviewed, but I couldn't tell you what he</p> <p>12 did every day about it.</p> <p>13 Q Okay. Do you recall reviewing records where</p> <p>14 he was repeatedly not using the wheelchair that he had</p> <p>15 been told to use?</p> <p>16 MR. FRANSEEN: Object to form.</p> <p>17 THE WITNESS: Do you mean the records that</p> <p>18 Dr. Peeples was alluding to in his report?</p> <p>19 Q (By Ms. Odum) The -- yeah, the --</p> <p>20 A Because I saw several documents like that.</p> <p>21 I looked through thousands of pages trying to find</p> <p>22 those specific instances and I couldn't find those in</p> <p>23 there, so...</p> <p>24 Q Okay. Let's see. I'm going to hand you</p> <p>25 Peeples 102. The plan is "wheelchair for now to</p>	<p style="text-align: right;">Page 25</p> <p>1 walked in medical without a wheelchair, yes.</p> <p>2 Q Okay.</p> <p>3 A That's on --</p> <p>4 Q And I'm just going to hand you a few --</p> <p>5 A That's on March 16.</p> <p>6 Q Yes, sir.</p> <p>7 A And this is the same day, it documents the</p> <p>8 same thing. And then this is, let's see, a week later</p> <p>9 and this documents that he picked up bags and put it</p> <p>10 in his wheelchair and pushed the wheelchair. So I did</p> <p>11 see references from Dr. Peeples about that, but I</p> <p>12 didn't see that exact report.</p> <p>13 Q Okay. And there are several others.</p> <p>14 MR. FRANSEEN: Object to the form.</p> <p>15 Q (By Ms. Odum) We can go off the record for</p> <p>16 me to get the notebook if you'd like to review them.</p> <p>17 A Well, if they're the same references that</p> <p>18 Dr. Peeples made, I mean, I don't doubt that he has</p> <p>19 gotten through there and found those.</p> <p>20 Q Okay. So if a -- if a patient that was</p> <p>21 recently diagnosed with diabetic foot ulcers is not</p> <p>22 following instructions to be non-weightbearing, does</p> <p>23 that have any bearing on whether the ulcer heals?</p> <p>24 A Well, I think if a patient has the</p> <p>25 opportunity to offload and not weightbear and have</p>